

**PENNSYLVANIA INSURANCE DEPARTMENT  
RIGHT TO KNOW LAW POLICY  
effective October 10, 2024**

**I. AUTHORITY**

Pursuant to Section 504 of the Right-to-Know Law, 65 P.S. §67.101 et seq. (RTKL), the Pennsylvania Insurance Department (“Department”) sets forth the following policies, process and procedures, regarding responses by the Department to requests made pursuant to the RTKL, in addition to complying with the policies set forth in [Management Directive 205.36 Amended](#); in addition, to facilitate access to documents of public interest and reduce the need for RTKL requests, the Department makes many documents public. DGS publishes many solicitations, awards and contracts on its website at <https://www.emarketplace.state.pa.us/>; uploads contracts to the Department of Treasury [website](#), pursuant to the requirements of Chapter 17 of the RTKL, 65 P.S. §§ 67.1701-1702; and may also place other public records on its website at: [www.insurance.pa.gov](http://www.insurance.pa.gov) as it deems appropriate.

**II. DEFINITIONS**

All of the definitions set forth in the RTKL are incorporated into this policy by reference. *See* 65 P.S. § 67.102.

*AORO.* The Agency Open Records Officer designated by the Department pursuant to Section IV of this policy.

*Business day.* The regular business hours of the Department are ***Monday through Friday from 8:00 am to 4:30 pm***. Business days exclude Saturday and Sunday and a weekday on which the Department is closed for business.

**III. DEPARTMENT WEBSITE**

The Department maintains a public website at [www.insurance.pa.gov](http://www.insurance.pa.gov). Many of the records most commonly requested from the Department are available on the website. The following information is also posted on the Department’s website: AORO contact information; contact information for the OOR; a form which may be used to file a RTKL request; and a copy of this policy. *See* 65 P.S. § 67.504(b) (relating to agency posting requirements under the RTKL).

**IV. REQUESTS**

a. *Open Records Officer:* A written request to the Department under the RTKL **must** be addressed to the AORO at:

By Mail: Pennsylvania Insurance Department  
Agency Open Records Office  
Attn: Agency Open Records Officer

1326 Strawberry Square  
Harrisburg, PA 17120

In Person: see above

Fax: 717-772-1969

Email: [RTK-Insurance@pa.gov](mailto:RTK-Insurance@pa.gov)

The contact information for the AORO is posted on the Department website. The Department encourages the use of email to submit requests.

- b. *Requests: Requests must be submitted in writing using the Department Request form or the OOR's Standard Right-to-Know Law Request Form* available on the Department website and should be addressed to the AORO. *See* 65 P.S. § 67.703. To allow the Department to locate requested records and determine whether those records are public, requests for records should be specific and concise and clearly identify as precisely as possible the records sought. *See* 65 P.S. § 67.703. Requesters should clearly indicate the preferred method of access – paper copies, electronic copies or by inspection. Requesters should retain a copy of the request for their file, as a copy of the request is necessary should a requester appeal the Department response.
- c. *Receipt of the request:* For the purpose of calculating the response deadline, the Department is deemed to have received the request on the business day that the AORO receives the request. *See* 65 P.S. § 67.901. Any request that is received by the AORO after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by a Department employee other than the AORO, the request will be forwarded to AORO as soon as practical.
- d. *Verbal requests:* While verbal requests may be fulfilled by the Department, the requester cannot pursue the relief and remedies provided under the RTKL unless the request is in writing.
- e. *Anonymous requests.* The Department will not respond to anonymous requests for records.
- f. *Response period generally.* The Department has 5 business days to respond to a request for records under the RTKL. If the Department does not respond, the request is considered “deemed denied,” and a requester’s appeal rights commence.
- g. RTKL requests received by the Department will be considered a public record by the Department and such requests may be made available for public access.

## V. RESPONSES

- a. *Extension of time for response.* The Department is permitted to take an additional 30 calendar days to respond to any request for the reasons set forth in Section 902 of the

RTKL. *See* 65 P.S. § 67.902. If the Department invokes an extension, the Department will inform the requester in writing, in accordance with the requirements set forth in Section 902(b)(2) of the RTKL.

- b. *Requester's agreement to extend the response period.* The requester may agree, in writing, to extend the Department response period. *See* 65 P.S. § 67.902(b)(2). The requester must agree to the extension during the initial 5 business-day response period or the extended 30 calendar day response period if the Department has invoked one.
- c. *Trade secrets.* If a request involves records provided to the Department by a third party and the third party previously provided the Department with a written statement that the record contains a trade secret or confidential proprietary information, the Department shall provide notice to the third party. *See* 65 P.S. § 67.707(b).
- d. *Final response.* The Department may grant a request, partially grant and partially deny a request, or deny a request in its entirety. The final response of the Department will be in writing. Should the Department fail to issue a response within the applicable response period, the request is deemed denied. *See* 65 P.S. § 67.901.
  - i. *Granting access to records.* The Department may grant a request for records by issuing a response: (1) granting access to inspect Department records during the Department's regular business hours; (2) sending copies of the records to the requester; or (3) by notifying the requester that the records are available on the Department website or other publicly accessible electronic means. *See* 65 P.S. §§ 67.701(a), 704.
  - ii. *Denying or partially denying access to records.* Should the Department deny or partially deny a request for records through redaction or otherwise, the Department will inform the requester of the denial or partial denial in writing. The response will describe the requested records, inform the requester that the Department does not possess the responsive records or, if the records are exempt from public access, provide a citation to the relevant legal basis for withholding the requested records. *See* 65 P.S. § 67.903. Additionally, the response will provide the name, signature, title, business address and telephone number of the Open Records Officer who denied the request, as well as the date of the response and the procedure to appeal the denial. *See* 65 P.S. § 67.903.
- e. *Fees.* The Department will charge fees consistent with the RTKL Fee Structure, available at <http://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>. The Department may, in its discretion, choose to waive some or all of the fees owed on a case-by-case basis.

- f. Special rules apply to fees for transcripts of administrative proceedings:
  - i. Prior to an adjudication becoming “final, binding and non-appealable,” transcripts may be requested through the Department; however, the stenographer or court reporter is permitted to charge the regular fee for this service.
  - ii. Following an adjudication becoming “final, binding and non-appealable,” a request for the transcript shall be treated like any other request for a record and the usual duplication fee of up to \$.25 per page will be charged.
  - iii. The Department will charge other specialized fees as set out in the Administrative Code of 1929 at 71 P.S. §240.12A.

## VI. APPEALS

- a. *Generally:* To challenge the denial, partial denial, or deemed denial of a request for Department records, an appeal may be filed using the OOR appeal form, available at <http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>, or by contacting the OOR at the following address:

Office of Open Records  
Commonwealth of Pennsylvania  
333 Market Street, 16th Floor  
Harrisburg, PA 17101-2234  
Phone: 717-346-9903  
Fax: 717-425-5343  
[openrecords@.pa.gov](mailto:openrecords@.pa.gov)

- b. *Requirements of an appeal:* All appeals must be filed within 15 business days of the mailing date of the Department’s denial, partial denial, or deemed denial of the request. All appeals must be in writing; must state the grounds upon which the requester asserts that the requested records are public records; must address any grounds stated by the Department for denying the request; and must include a copy of the request and the Department’s response, if any. *See* 65 P.S. § 67.1101(a)(1).

## VII. DEPARTMENT NOTIFICATION OF THIRD PARTIES ON APPEAL

*Department must notify third parties.* If records affect a legal or security interest of an employee of the agency; contain confidential, proprietary or trademarked records of a person or business entity; or are held by a contractor or vendor, the Department must notify such parties of the appeal immediately and provide proof of that notice to the OOR within 7 business days from the date of the OOR’s Official Notice of Appeal. Such notice must be made by (1) providing a copy of all documents included with the appeal to the OOR; and (2) advising that interested persons may request to participate in the appeal. *See* 65 P.S. § 67.1101(c).

## **VIII. MEDIATION**

The RTKL requires the OOR to establish an informal mediation process to resolve disputes under the RTKL. 65 P.S. § 67.1310(a)(6). This is a voluntary process to help parties reach a mutually agreeable settlement on records disputes before the OOR. Mediation, a facilitated conversation between the parties that can serve as a fair and efficient tool to resolve conflict, can save time and expense. When appropriate, the Department is open to resolving RTKL disputes through the OOR's mediation process.

## **IX. RECORD RETENTION**

The Department maintains a record retention policy as well as abides by the Commonwealth of Pennsylvania General Records Retention and Disposition Schedule, which is available at:

<https://www.phmc.pa.gov/Archives/Records-Management/Pages/Policies-Laws.aspx>.

Notwithstanding any other existing record retention policy, once a RTKL request is received, the Department shall maintain, preserve, retain, protect, and not destroy any and all records, both electronic and hard copy, that are potentially responsive to the request until such time as the request is fulfilled and all associated appeals are resolved.

## **X. ADDITIONAL INFORMATION ABOUT THE RTKL**

Additional information about the RTKL, the request process, and the appeal process is available on the OOR website at <https://www.openrecords.pa.gov>.